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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,193	02/19/2004	Hyo-Sun Hwang	12000.SMG.0008	4103
48356 7590 07/25/2008 MCNEELY BODENDORF LLP P.O. BOX 19010 WASHINGTON, DC 20036				
EXAMINER				
MOUTAOUAKIL, MOUNIR				
ART UNIT		PAPER NUMBER		
2619				
MAIL DATE		DELIVERY MODE		
07/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/782,193

**Applicant(s)**

HWANG ET AL.

**Examiner**

MOUNIR MOUTAOUKIL

**Art Unit**

2619

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-15 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-15 and 20-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 04-22-2008 has been entered and considered.

Claims 6-15 and 20-25 are pending in this application.

Claims 6-15 and 20-25 are rejected as discussed below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6, 7, 11, 12 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Everson et al (US 6,842,446). Hereinafter referred to as Everson.

Regarding claims 6, 11 and 20. Everson discloses an apparatus for generating an aggregation packet in a communication system.(Fig.1) The apparatus comprises a buffer for storing a plurality of data packets (26), an aggregation module (24) for receiving the plurality of data packets from (multiple sub-streams) the buffer manager and aggregating at least two data packets having a same destination address among the plurality of received data packets (from col.3, line 54-to col.4, line 38. the aggregator reform the original packet from the sub-streams. Moreover, the aggregator forward the packets the original destination), wherein a header of each of the at least two data

packets includes length information and (fig.4) a destination address (fig.5), and a header of the aggregated packet includes a destination address which is identical to the destination address included in the header of the at least two data packets (from col.3, line 54-to col. 4, line 38. The aggregated packet has the same destination address as the received packets).

Regarding claims 7 and 12. Everson discloses that the at least data packets have identical quality of service information (from col.3, line 54-to col. 4, line 38. the received sub-stream packets are part of one original packet. Thus, it is inherent that they have the same QOS).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everson in View of the APA (admitted prior art) of the current application.

Regarding claims 8 and 13. Everson discloses all the limitations of the claimed invention with the exception that the aggregated packet includes a data section corresponding to each of the at least two data packets. However, APA discloses the possibility of including a data section that correspond to each of the data packets in the aggregated packet (Fig.2). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include a section of each data packet within

the aggregated packet, as taught by APA, of Everson for the purpose of organizing the aggregated packet and using the communication bandwidth efficiently.

6. Claims 9, 10, 14, and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Everson in view of Masputra et al (US 2004/0174877). Hereinafter referred to as Masputra.

Regarding claims 9, 10, 14, and 15. Everson discloses all the limitations of the claimed invention with the exception that the aggregated packet includes the length information of each of the at least two data packet. However, Masputra discloses an aggregated packet that includes a pointer, which indicate the length of each packet in the aggregated packet (paragraph [0025]). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include a pointer capable of indicating the length of each packet in the aggregated packet of Everson for the purpose of avoiding errors and increasing the system accuracy.

Claims 20-25 are rejected for the same reasons as claims 6-15.

### ***Response to Arguments***

7. Applicant's arguments filed 04-22-2008 have been fully considered but they are not persuasive.

Applicants argue that the prior art of record, Everson, is silent with regard to at least the features of applicants' claim 6. Claims 11 and 20 are similar.

Examiner respectfully disagrees; Everson discloses a system for wireless communication through aggregation of data sessions. Everson teaches a method of transmitting packets, at least from one device to at least another (see fig.1, elements 20

and 40). Packets are segregated into sub-packet (sub-streams), which have the same destination and same source. Sub-packets must have a header that includes a destination and payload size (TCP/IP transmission protocol). At the receiving end, the packet is aggregated back. Moreover, Everson states that the aggregated sub-packets are not necessarily in the original order when they were segregated. Thereafter, the aggregated packet is forwarded to the final destination as prescribed from the source. Thus, it is believed that Everson's disclosure is directed to the same subject matter as claimed in the present application.

Applicants contend that the prior art of record is completely silent with regard to aggregation data packet by aggregating data packets.

Examiner respectfully disagrees; Everson discloses a method of aggregating sub streams, sub-packets, at the access aggregator 24. Originally stream, packet, are broken into multiple sub-streams for transmission over respective communication channels 28, 30, 32, and 34. At the receiving end 24, access aggregator, the received sub-streams, destined to the same final destination are aggregated, not necessarily in order. col.3, lines 29-46. Therefore, it is believed that Everson clearly discloses aggregation packet by aggregating sub-packets.

Note: the newly found art indicated in the PTO-892 disclose all the limitations of the claimed invention, particularly figure 8.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

When responding to this office action, applicants are advised to clearly point out the patentable novelty which they think the claims present in view of the state of the art disclosed by the references cited or the objections made. Applicants must also show how the amendments avoid such references or objections. See 37C.F.R 1.111(c). In addition, applicants are advised to provide the examiner with the line numbers and pages numbers in the application and/or references cited to assist examiner in locating the appropriate paragraphs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOUNIR MOUTAOUAKIL whose telephone number is (571)270-1416. The examiner can normally be reached on Monday-Thursday (1pm-4:30pm) eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. M./  
Examiner, Art Unit 2619

/Hassan Kizou/  
Supervisory Patent Examiner, Art Unit 2619